

JEFFREY C. DANIELS, PC
ATTORNEYS AT LAW

JEFFREY C. DANIELS
THEODORE DANIELS
COUNSEL

585 STEWART AVENUE
SUITE 790
GARDEN CITY, NY 11530-4732
516-745-5430
FAX: 516-745-8769

October 26, 2009

VIA E-File

Magistrate Judge A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 910
Central Islip, New York 11722-9014

Re: Capone v. Goldman
Case No. 09 Civ. 1208 (sjf)

Dear Mag. Judge Tomlinson:

I am in receipt of a letter and proposed stipulation from Mark Kook, Esq.

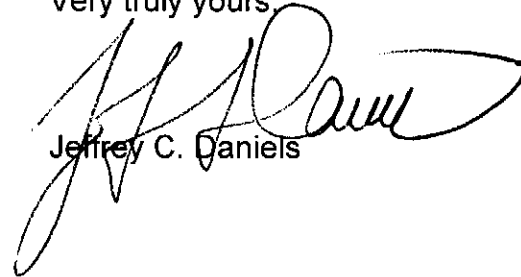
I was under the impression that you specifically directed that any tax returns be, for the time being, for "Mr. Kook's eyes only". I do not know how many other attorneys Mr. Kook plans to disclose my tax information to and the wholesale dissemination of my confidential tax information to any member or attorney employed by his firm would be a violation of the privilege and unnecessary. Further, the proposed stipulation does not limit disclosure to his firm which means that the tax return information would be disclosed to counsel for Andrea Goldman as well.

In any event, this dispute arose by reason of a subpoena issued to the US Trustee which was the subject of a letter motion filed by me. Thus, any stipulation and/or order needs to contain provisions as to how the US Trustee is to comply with that portion of the subpoena which requests tax and financial information requested by the plaintiff. In the alternative, Mr. Kook may modify the subpoena, withdrawing the request for financial statements and tax returns upon execution of a stipulation incorporating your instructions.

JEFFREY C. DANIELS, PC

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey C. Daniels', written over the printed name.

Jeffrey C. Daniels

JCD/sd

cc Mark R. Kook, Esq. (via email)
Fred S. Kantrow, Esq. (via email)